MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL

CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA

NOVEMBER 7, 2017

CALL TO ORDER:
Mayor Patino called the meeting to order at 4:15 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Waterfield, and Mayor Patino.

Councilmember Moats arrived at 4:17 p.m. after roll call was given.

STAFF MEMBERS PRESENT
City Manager Haydon, City Attorney Trujillo, Assistant City Manager Stilwell, Assistant City Attorney Mollenkopf, and Chief Deputy City Clerk Garietz

PUBLIC COMMENT:
Mark Radamaker spoke about the right to bear arms.

RECESS:
Mayor Patino recessed to a Closed Session at 4:20 p.m. for:

1) CONFERENCE WITH LEGAL COUNSEL regarding LIABILITY CLAIMS pursuant to Section 54956.95 of the Government Code. Claimant: Maria Navarro, Claim No. SATI-545635. Agency claimed against: City of Santa Maria.

2) CONFERENCE WITH LABOR NEGOTIATORS pursuant to Section 54957.6 of the Government Code. Agency representatives: City Manager and Director of Human Resources & Records. Employee Organizations: Service Employees International Union (SEIU) Local 620, Santa Maria Police Association of Middle Management (SMPAMM), Santa Maria City Fire Fighters' Union Local 2020 (Local), Non-Represented Management and Confidential Employees, and Public Safety Managers.

3) PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957 and CONFERENCE WITH LABOR NEGOTIATOR pursuant to Section 54957.6 of the Government Code. Agency representative: Mayor, Title: City Attorney and City Manager

INVOCATION:
Dorothy Mogavero of Crestwood Christian Church gave the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Moats led the Pledge of Allegiance.

RECONVENE THE MEETING AND CALL TO ORDER:
Mayor Patino reconvened the meeting and called the meeting to order at 5:35 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Moats, Waterfield, and Mayor Patino.

STAFF MEMBERS PRESENT
City Manager Haydon, City Attorney Trujillo, Director of Human Resources & Records Anderson, Fire Chief Champion, Director of Finance Harvey, City Librarian Housel, Director of Public Works Kahn, Director of Community Development Ng, Recreation & Parks Director Posada, Director of Utilities Springer, Assistant City Manager Stilwell, Community Programs Manager Narez, Police Commander Schneider, Assistant City Attorney Sinco, and Chief Deputy City Clerk Garietz.

Mayor Patino asked for a moment of silence in remembrance of the victims of the recent terror attack in New York by a man with a vehicle killing at least eight people, and the violence in Texas where a man opened fire in a church, killing 26 people and wounding 20 others.

City Attorney Trujillo announced that there was no reportable action associated with Closed Session Item 1. Items 2 and 3 would be continued to the end of the City Council's regular meeting.

2. PROCLAMATIONS/COMMENDATIONS/PRESENTATIONS:

A. PROCLAMATION – FILL THE BOOT FOR MDA DAY
Councilmember Waterfield presented a proclamation in recognition of November 18, 2017, as "Fill the Boot for MDA Day." Firefighter, Nick LaMonica, accepted the proclamation.

3. CONSENT CALENDAR:
Consent Calendar Items 3A through 3G were approved on motion by Councilmember Boysen, seconded by Councilmember Cordero, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Cordero, Moats, Waterfield, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the regular Meeting of the City Council of October 17, 2017, were approved as submitted.

C. WARRANTS
Warrant Nos. 210357 to 210598 totaling $1,703,527.04 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Finance. Warrant Nos. 203282 and 209532 were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Finance and having been approved for payment by the Director of Finance.

E. CROSSWALK AT CARMEN LANE AND BISCAYNE STREET
Resolution No. 2017-123 was adopted approving a crosswalk at the north leg of the intersection of Carmen Lane and Biscayne Street for Roberto & Dr. Francisco Jimenez Elementary School.
Resolution No. 2017-123 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ESTABLISHMENT OF A PAINTED YELLOW CROSSWALK AT THE INTERSECTION OF BISCAYNE STREET/CARMEN LANE PURSUANT TO SECTION 21106 OF THE CALIFORNIA VEHICLE CODE.

F. LANDSCAPE MAINTENANCE DISTRICTS
Resolution No. 2017-124 was adopted annexing and authorizing the assessment of landscape maintenance fees to Los Primos Market and MJA Cooling located in the Northwest Landscape Maintenance District (Streets and Highways Code Section 22500, et seq.).

Resolution No. 2017-124 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO LOS PRIMOS MARKET AND MJA COOLING LOCATED IN THE NORTHWEST LANDSCAPE MAINTENANCE DISTRICT (STREETS AND HIGHWAYS CODE SECTION 22500, ET SEQ.).

Resolution No. 2017-125 was adopted annexing and authorizing the assessment of landscape maintenance fees to Toyota of Santa Maria, Tract 6000 located in the South Miller Street/College Drive Landscape Maintenance District (Streets and Highways Code Section 22500, et seq.).

Resolution No. 2017-125 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO TOYOTA OF SANTA MARIA LOCATED IN THE SOUTH MILLER STREET/COLLEGE DRIVE LANDSCAPE MAINTENANCE DISTRICT (STREETS AND HIGHWAYS CODE SECTION 22500, ET SEQ.).

G. AGREEMENT FOR LANDSCAPE SERVICES AT ENOS RANCH SPECIAL BENEFIT ZONE
Resolution No. 2017-126 was adopted authorizing the Director of Recreation and Parks to enter into a Professional Services Agreement with J.D. Humann Landscaping, Inc., for landscape maintenance services within the Enos Ranch Special Benefit Zone.

Resolution No. 2017-126 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES.

4. SANTA MARIA MUNICIPAL CODE UPDATE - MASSAGE BUSINESSES. The City Council considered amending Chapter 4-18 of the Santa Maria Municipal Code concerning massage businesses, and amending Sections 12-10.03 and 12-13.03 of the Santa Maria Municipal Code regarding zoning requirements for massage businesses.

Assistant City Attorney Sinco gave a presentation as detailed in the Council Agenda Report. After the City adopted its current massage regulations in 2007, State law changed and specified that any massage practitioner licensed by the California Massage Therapy Council (CAMTC) did not have to obtain City-issued permits to practice massage. The law also weakened the ability of cities to impose regulations on massage businesses themselves. The laws have changed again and now allow cities to impose said regulations on local massage businesses. Staff is presenting changes to the City's current ordinance to bring it up to date with State law and regulate massage businesses within City limits. These updates specify that all massage practitioners be licensed by CAMTC or have a valid City business license issued prior to the effective date the ordinance (a grandfathered-in business license). These grandfathered businesses will need 500 hours of instruction, instead of the City's current requirement of 200 hours. Grandfathered businesses with less than 500 hours of instruction may obtain the balance of hours at a rate of 50 hours per year. First-time applicants after the effective date of the ordinance for massage licenses will be required to be CAMTC certified. In addition, all massage businesses will require a City Registration Certificate (CRC). This will provide law enforcement with the tools they need to prevent massage businesses from being used as fronts for illegal and illicit activity. The application for the CRC will require detailed information on all persons providing massage within that business, along with their CAMTC license number and/or grandfathered City license. Practitioners and massage business owners/managers who are not certified by CAMTC would be required to submit to fingerprinting and background checks.

New operational requirements of the ordinance would include: 1) having operating hours between 7:00 a.m. and 9:00 p.m.; 2) prohibiting anyone from residing at the business location or being present outside of regular business hours; 3) prohibiting businesses from locking their doors during business hours (with the exception of safety concerns); and 4) not shading exterior windows. There will also be advertising requirements, and requirements to list services provided by the business.

The City's zoning ordinance currently only allows massage businesses in the C-2 zone; however, staff has been permitting them in the CPO zone because they are similar to health and medical practices. Staff has updated the ordinance to permit massage in CPO, C-1, and C-2 zones where dental offices, physician offices, and physical therapy offices are permitted.

Assistant City Attorney Sinco also indicated that the Ordinance as drafted states that grandfathered City licenses had to be issued "six (6) months prior to the effective date," but after the Ordinance was draft, staff discovered this language would have a negative impact on five (5) massage practitioners in the process of obtaining their City issued licenses. Thus, staff recommends adopting the ordinance, as amended, without that phrase.

Councilmember Waterfield asked if the owners of massage businesses that rent out space to massage therapists would be held accountable for violations.

Assistant City Attorney Sinco responded that they would not be, except for code violations related to property nuisances. Only the massage therapists directly related to violations would be held accountable. Building owners would not be subject to the ordinance.

Councilmember Boysen suggested changing the language to, "effective 11/7/2017," the date the Ordinance is introduced to avoid a rush on requests for massage permits. Assistant City Attorney Sinco stated he would insert appropriate language into the Ordinance.

Mayor Patino suggested adding stronger wording to the Ordinance so there could be no misunderstandings.

Councilmember Cordero asked whether any announcement would be made to a massage business prior to the Santa Maria Police Department inspecting it.

Assistant City Attorney Sinco indicated prior announcement would be optional as the Ordinance specifically states that inspectors shall have the right to enter the business anytime during regular business hours.

Councilmember Moats asked how the business hours of 7:00 a.m. and 9:00 p.m. had been determined. Assistant City Attorney Sinco responded that those were the business hours several other cities used with their ordinances.

Mayor Patino inquired about the language that appears to be too lenient in the Council Agenda Report regarding suspension of a massage business at a particular location because the phrase "may not permit" is used rather than "shall not permit" another massage business at the same location for at least one year. She requested that the Ordinance use the word "shall" instead of "may" to deny another massage business in the same location as the one closed down by the City.

Assistant City Attorney Sinco, assured Mayor Patino that he would review that item in the Ordinance, and make sure the Ordinance includes mandatory language specifically disallowing a new massage business to open in the same location where one had been shut down for illegal activities.

Written communications
Chief Deputy City Clerk Garietz reported that one written communication was received from the Polaris Project indicating support for the updated massage ordinance, particularly given their interest in regulating massage businesses that may be engaging in illegal activities and/or human trafficking.

Public hearing
Mayor Patino opened the public hearing at 6:02 p.m., and immediately closed the public having no requests to speak.

Council discussion
There was no Council discussion.

Ordinance No. 2017-18 was introduced for first reading, as amended by Councilmember Boysen and Mayor Patino, and continued to the next meeting for second reading and adoption, amending Chapter 4-18 and certain Sections of Title 12 of the Santa Maria Municipal Code concerning zoning requirements for massage businesses, on motion by Councilmember Waterfield, seconded by Councilmember Cordero, and carried on the following vote: 5-0

AYES:	Councilmembers Boysen, Cordero, Moats, Waterfield, and Mayor Patino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Ordinance No. 2017-18 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REPEALING AND REPLACING CHAPTER 4-18 CONCERNING MASSAGE BUSINESSES, AND AMENDING SECTIONS 12-10.03 AND 12-13.03 OF TITLE 12 OF THE CITY OF SANTA MARIA MUNICIPAL CODE CONCERNING ZONING REQUIREMENTS FOR MASSAGE BUSINESSES.

Councilmember Boysen recused himself from participating in the next item indicating he had a financial conflict of interest since his employer, Good Samaritan Shelter, had submitted an application for a CDBG project, and he left the Chambers at 6:04 p.m.

5. PRIORITIZATION OF COMMUNITY DEVELOPMENT BLOCK GRANT CAPITAL PROJECT PROPOSALS. The City Council reviewed the Capital project requests for Fiscal Year 2018-19 Community Development Block Grant (CDBG) funding, and provided the Block Grants Advisory Committee and participating applicants with direction.
Community Programs Manager Narez gave a presentation as detailed in the Council Agenda Report. The deadline to submit proposals for Capital funding was October 5, 2017. In all, staff received eight (8) proposals totaling $1.6 million. Staff does not know exactly how much funding the City will receive from HUD, but anticipates receiving $1.3 million, $850,000 of which would be for Capital funding. On average, over the last six (6) years, the City has allocated Capital funding to 45 projects, 15 of which were City projects.

One (1) of the eight (8) applications was submitted by the Recreation & Parks Department for Russel Park Improvements for a total of $756,905. The other seven (7) applications were from outside organizations: 1) Housing Authority of Santa Barbara County for the Residences at Depot Street; 2) Boys & Girls Club of Santa Maria Valley for the Teen Center Expansion; 3) Community Action Partnership of San Luis Obispo County for its Minor Home Repair Program; 4) Women's Economic Ventures for Microenterprise/Job Training; 5) Good Samaritan Shelter for the Pine Street Bungalows II Project; 6) Community Action Commission for its Play Yard Expansion; and 7) GRID Alternatives for its Solar Housing Program.

Last year, staff began using an evaluation tool for each Capital project application to help prioritize projects. Factors taken into consideration included timeliness of the project, value to the community, environmental review, and extent of staff time associated with the project. The results are listed below.

84% (46 points)	GRID Alternatives	Solar Housing Program	$ 40,000
80% (44 points)	CAC	Play Yard Expansion	$ 40,000
78% (43 points)	CAPSLO	Home Rehab Repair	$ 85,000
78% (43 points)	Good Samaritan	Pine Street Bungalows II	$ 42,000
67% (37 points)	Boys and Girls	Teen Center Expansion	$ 200,000
62% (34 points)	Rec & Parks	Russell Park Improvements	$ 756,905
56% (31 points)	Housing Authority	Residences at Depot St.	$ 400,000

Because Women's Economic Ventures (WEV) is applying under microenterprise, and microenterprise is an extension of Capital funding, staff is asking that City Council factor in WEV when evaluating Capital projects. However, because many of the questions in the evaluation tool do not apply to WEV, it was not included in the results.

Public input
Guillermo Chavez, representing Women's Economic Ventures (WEV), spoke in favor of using CDBG funding to support WEV.

Gricelda Reyes, a recent graduate of WEV, spoke in favor of CDBG funding for WEV.

Marsha Bailey, CEO and Founder of WEV, thanked the Council for their past support of WEV and encouraged them to continue supporting WEV.

John Polanskey, representing the Housing Authority of County of Santa Barbara, gave an update on the Residences at Depot Street Project.
Judi Monte and Lorraine Neenah, representing Community Action Commission, spoke about Community Action Commission's Playground Expansion project.

Block Grants Advisory Committee Chair Tim Siefert summarized the above list of evaluations.

Evelina Ochoa representing Women's Economic Ventures read a letter written by current and former clients of WEV requesting that the Council continue to fund WEV.

Council discussion
Councilmember Moats asked Director of Recreation & Parks Posada if there was any way to scale down the Russell Park Improvements Project funding request to free up funding for other projects.

Director of Recreation & Parks Posada explained that the department has $234,000 from a grant to spend along with the CDBG funds. He indicated that those significant costs to the Russell Park Renovation project will include $175,000 for an irrigation system upgrade, a new restroom for $137,000, and tree upkeep at $100,000. The project is a little different than the other park renovations the department has recently done.

In response to Councilmember Waterfield's question, Recreation & Parks Director Posada responded that the $234,000 grant funds would be used for new playground equipment. The total project costs will be a little over $1 million. The playground will actually be moved into the middle of the park. Many of the trees in the park are diseased and need work or replacing. One other big expense will include security lighting. He indicated he might be able to reduce costs to roughly $623,000 by eliminating or postponing certain parts of the project.

Councilmember Waterfield asked for clarification on how the CDBG funding was allocated.

Community Programs Manager Narez responded that the City is only allowed to use 65 percent of the funding for Capital projects. Fifteen percent goes into Public Services and 20 percent goes toward administrative costs.

Councilmember Moats asked if the current trees in the park posed any risk to the public. He also asked if the list of priorities for the park renovation had smaller items that could be taken off the list to save money.

Recreation & Parks Director Posada responded that the trees do pose a risk as they can topple over when they are diseased and/or older. Staff has gone in and done "safety trimming" removing branches to buy time, but some trees still need to be removed and replaced. Minor items included in the plans that might be taken off the list included a shade structure for $24,000, compost at $13,000, and a brick wall separating the park from surrounding neighbors that would be at a cost of $25,000.

Councilmember Cordero asked about the past structure on the property. He also asked if the wall could be put in at a future date or if there was a problem that needed to be addressed right now with the neighbors.

Recreation & Parks Director Posada responded that there had been a restroom on the site in the past that was difficult to monitor. It was torn down to allow a better line of sight in the park. He added he believed the wall was necessary to separate the neighbors from park users, but it could also be considered later.

Councilmember Cordero remarked that prioritizing projects was difficult and asked if veteran's housing would be located at Good Samaritan. He also asked about any pertinent timelines.

Community Programs Manager Narez clarified that 50 of the 80 units in the Residences at Depot Street project would be for veterans. She also said there were timelines imposed by HUD for certain projects and that the City was better off using the funding sooner than later. In past years, there had been carryover from projects that did not use all of the funding allocated to them. This year, staff does not anticipate having much funding available to carry over.

Direction to staff
There was a consensus of the City Council to direct staff and the Block Grants Advisory Committee to consider the following projects in order of priority: 1) the City's Russell Park Improvements; 2) the Boys & Girls Club's Teen Center Expansion; and 3) the Good Samaritan Shelter's Pine Bungalow II.

Councilmember Boysen returned to the Chambers for the remainder of the meeting at 6:52 p.m.

6. PUBLIC COMMENT PERIOD
There were no requests to speak.

REPORT BY CITY MANAGER:
City Manager Haydon reported the next City Council meeting would be November 21, 2017. Items on the agenda would include the second reading of the massage ordinance; a second amendment to the service swap agreement with WAVE Business Solutions; the receipt of a $2 million grant to help combat homelessness issues; and an award of bid for the Solomon Summit/Los Flores project. There are also two public hearings on the agenda – one to extend the Urgency Ordinance regarding Accessory Dwelling Units and one to reconsider Morris Sobhani's project at 402 Farnel Road. Two regular business items will be the proposed Action Plan for the Mayor's Task Force on Youth Safety and the First Quarter Financial Report.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS (INCLUDING AB1234 REPORTS):
Councilmember Boysen reported he attended the Central Coast Water Authority meeting.

Councilmember Waterfield reported that she attended the Mayor's Task Force meeting; a LAFCO conference and meeting; and the Celebrate Philanthropy luncheon.

Councilmember Moats proposed that the Council consider eliminating the second public comment period, and only have one public comment opportunity per meeting.

Councilmember Cordero reported that he attended the Mayor's Task Force meeting and a Community Action Commission meeting.

Mayor Patino reported that she attended the monthly SBCAG and APCD Board meetings; the Santa Barbara County Veterans' Stand Down; the Mayor's Task Force meeting; and the Celebrate Philanthropy luncheon.

City Manager Haydon commented that only one individual in three of the four prior meetings spoke during the second public comment session. He explained that the agenda is set by the City Manager

with input by the Mayor. As such, unless otherwise directed by Council, the second public comment session on future agendas will be discontinued. He also reminded everyone of the continuation of the Closed Session Items No. 2 and 3 after the meeting.

RECONVENE TO CLOSED SESSION:
The City Council reconvened to Closed Session at 7:14 p.m.

CLOSED SESSION REPORT:
City Attorney Trujillo reported that on Closed Session Item 2 direction to staff was given. There was no reportable action with Item 3.

ADJOURNMENT:
There being no further business before the City Council, Mayor Patino declared the City Council meeting adjourned at 8:45 p.m.

APPROVED:

November 21, 2017
Date

Rhonda M. Gariętz, CMC
Chief Deputy City Clerk and ex officio Clerk of the City Council

Alice M. Patino
Mayor of the City of Santa Maria

ATTEST:

Rhonda M. Gariętz, CMC
Chief Deputy City Clerk